

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

Optional: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Morning Glory Estates
Change of Zone #3343
Special Permit #1839A

DATE: October 18, 2001

PROPOSAL:

1. Change of Zone #3343 from B-2, Planned Business to R-4, Residential due to a survey error,
2. Special Permit #1839A Morning Glory Estates Community Unit Plan to add 11 lots and dwelling units and to correct a survey error

LAND AREA: Changes of Zone: 369.78 square feet
Special Permit (CUP) 30.83 acres

CONCLUSION: This application conforms to the Comprehensive Plan.

RECOMMENDATION: Special Permit/CUP:	Conditional Approval
Change of Zone:	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Community Unit Plan: The remaining portions of Lots 93 and 94, Irregular Tracts, located in the southwest quarter of Section 14, T10N, R7E, Lancaster County, Nebraska, and more particularly described in the attached sheet.

Change of Zone: The remaining portion of Lot 93 Irregular Tract, located in the SW 1/4 of Section 17, T10N, R7E, Lancaster County Nebraska, and more particularly described in the attached sheet.

LOCATION: Northeast corner of N. 84th & Holdrege Streets

APPLICANT: Holdrege Investors, LLC
(Don Linscott contact)
5101 Central Park Drive, Ste 100
Lincoln, NE 68504
(402) 467-1234

University Park Congregation of
Jehovah's Witnesses, Inc
1900 N. 84th St.
Lincoln, NE 68505

OWNER: Same

CONTACT: Kim Jones
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

EXISTING ZONING: B-2, Planned Business District, R-3 Residential District, R-4, Residential District

EXISTING LAND USE: Agricultural and Church

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped and agriculture	AG, Agriculture
South:	Fire station and Church	O-3, Office Park District, AG
East:	Agricultural, acreages and church	AG
West:	Commercial uses	B-2, Planned Neighborhood District and H-4, General Commercial District

ASSOCIATED APPLICATIONS: Use Permit 128A, Morning Glory Estates

HISTORY: The N. 84th Street Subarea Plan was approved in 1998 showing this area for commercial and residential developments.

On **July 30, 2001**, City Council approved annexation #00006, Preliminary Plat #00011, Special Permit #1839 for 269 dwelling units, Use Permit #128 for 153,000 square feet of office and commercial space, and Change of Zone #3255 from AG to R-3, R-4, B-2 and O-3.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown for commercial and urban residential uses in the Comprehensive Plan.

UTILITIES: Available

TRAFFIC ANALYSIS: 84th Street is classified as an urban principal arterial and Holdrege Street is classified as a local street in the Comprehensive Plan.

ANALYSIS:

1. This is a request for a change of zone and amendment to the special permit to add 11 residential lots and 11 dwelling units for a total of 280 dwelling units and to correct a survey error.
2. The added dwelling units are within the allowed units according to the density calculation.
3. The Police Department has no objections to this request.
4. The Public Works & Utilities Department has no objections to this request.
5. The Lincoln Electric System requests to change the 10-foot easement along Holdrege Street and the east line in Block 4 to a 15-foot easement. LES also requests two notes be added to the site plan regarding construction or grade changes in LES transmission lines easement corridors and landscaping material selections within easement corridors.

SPECIAL PERMIT/COMMUNITY UNIT PLAN
CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 The correct boundary and survey data.
 - 1.1.2 Clearly identified lot lines in the Use Permit area.
 - 1.1.3 That parking in the front yard is not waived.
 - 1.1.4 Clearly identified street names on the plan.

- 1.1.5 Updated information in General Note #9, the addition of 11 lots/dwelling units causes this note to be outdated.
- 1.1.6 A note indicating that islands in North 86th Street will be privately maintained.
- 1.1.7 A signed Engineer's Certificate.
- 1.1.8 A revised General Note #26 to indicate the correct reference to the Subdivision Ordinance. The commercial lots do not qualify under this section.
- 1.1.9 A revised General Note #29 to include duplex lots.
- 1.1.10 The septic tank referred to in General Note #37 on the plan.
- 1.1.11 A note indicating that any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.
- 1.1.12 A note indicating that landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.
- 1.1.13 Revised LES easements from 10-foot along Holdrege Street and the east line in Block 4 to 15-foot easements.

2. This approval permits 280 dwelling units.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies:
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

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Area of Application
from B-2 to R-4

Leighton Ave.

N. 84th St.

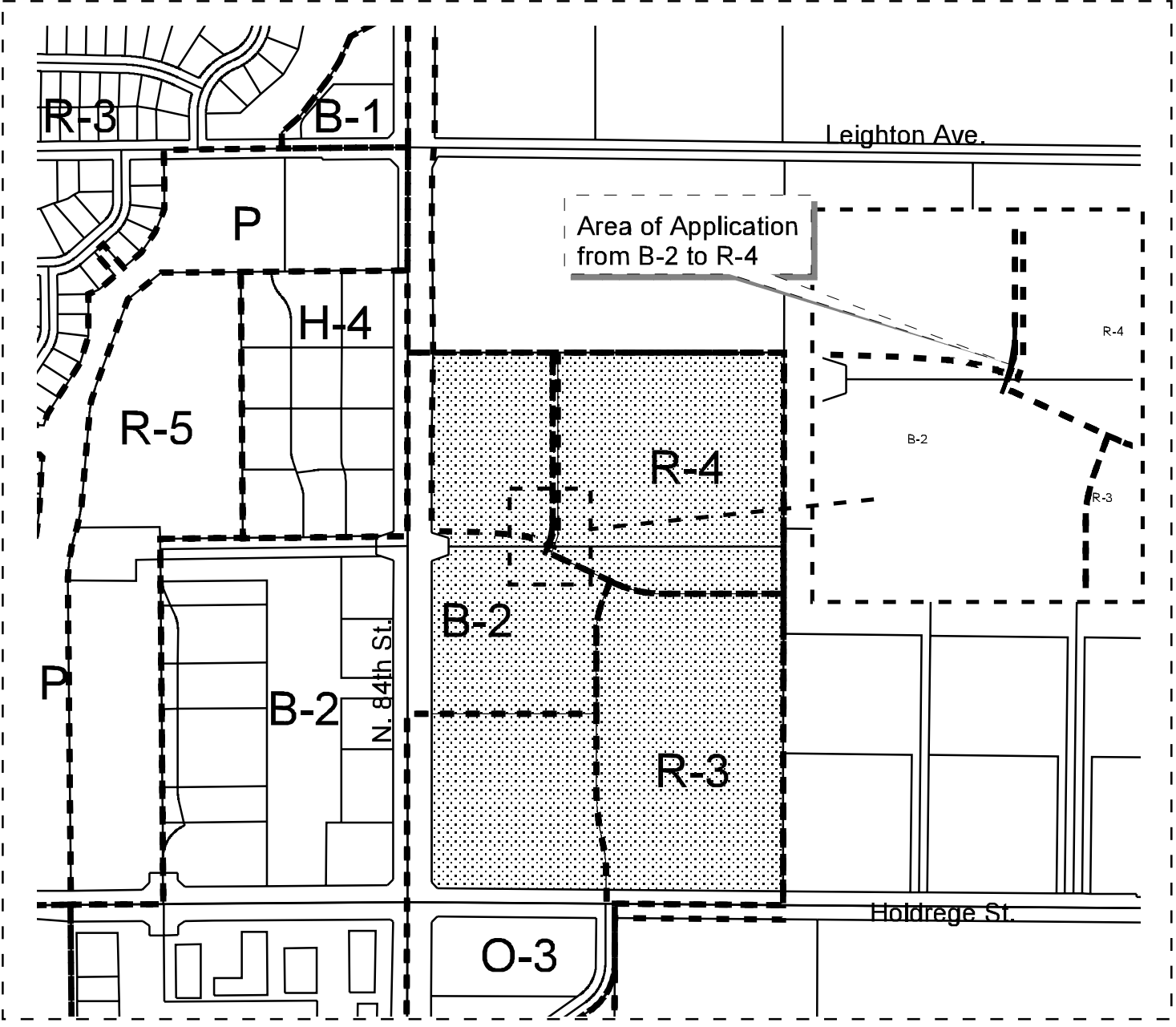
Holdrege St.

Change of Zone #3343 N. 84th & Holdrege St.



Photograph Date: 1997

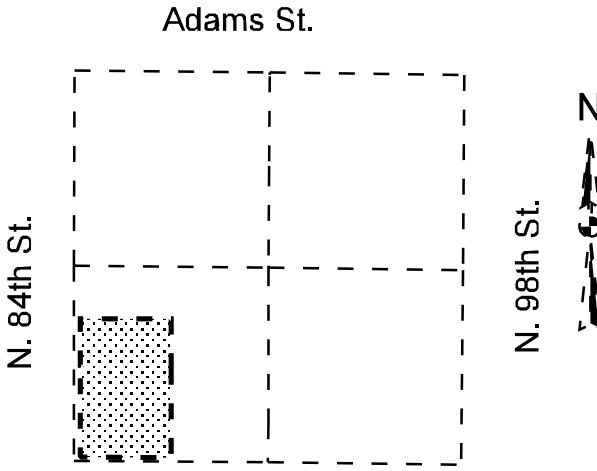
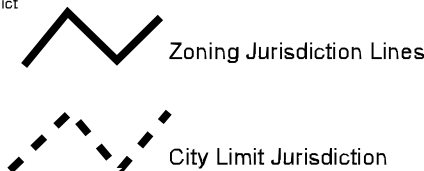
Lincoln City - Lancaster County Planning Dept.



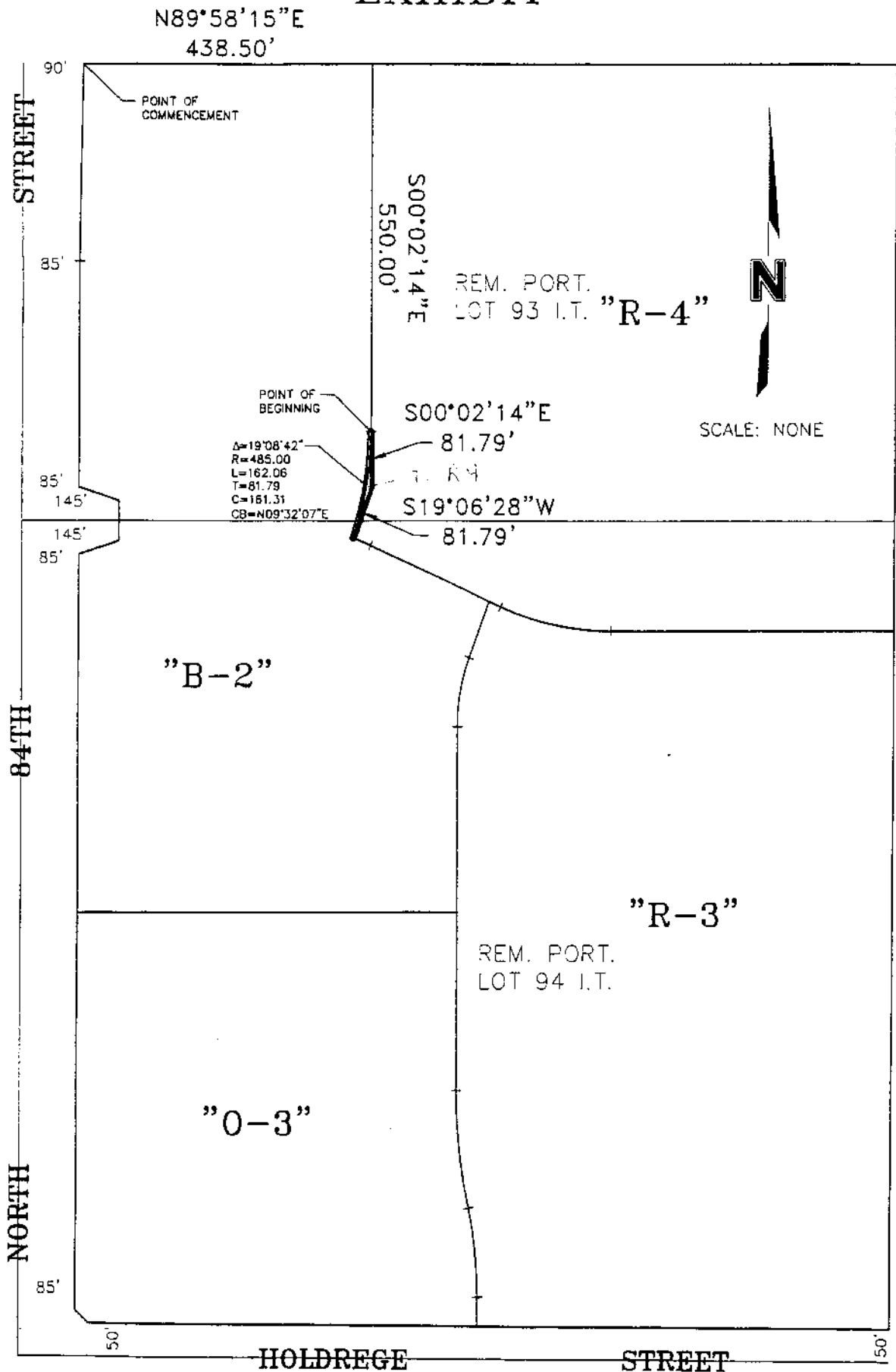
Change of Zone #3343 **N. 84th & Holdrege St.**

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 14 T10N R7E



CHANGE OF ZONE EXHIBIT



LEGAL DESCRIPTION
CHANGE OF ZONE
FROM "B-2" TO "R-4"

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 93 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 93 I.T., THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 93 I.T., A DISTANCE OF 438.50 FEET TO A POINT, THENCE SOUTH 00 DEGREES 02 MINUTES 14 SECONDS EAST, A DISTANCE OF 550.00 FEET TO A POINT, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE CONTINUING SOUTH 00 DEGREES 02 MINUTES 14 SECONDS EAST, A DISTANCE OF 81.79 FEET TO A POINT, THENCE SOUTH 19 DEGREES 06 MINUTES 28 SECONDS WEST, A DISTANCE OF 81.79 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 485.00 FEET, ARC LENGTH OF 162.06 FEET, DELTA ANGLE OF 19 DEGREES 08 MINUTES 42 SECONDS, A CHORD BEARING OF NORTH 09 DEGREES 32 MINUTES 07 SECONDS EAST, AND A CHORD LENGTH OF 161.31 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 369.78 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

October 5, 2001 (8:17AM)
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**LEGAL DESCRIPTION
C.U.P.**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOTS 93 I.T., AND 94 I.T., ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 93 I.T., SAID POINT BEING 90.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST, ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 93 I.T., A DISTANCE OF 438.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 93 I.T., A DISTANCE OF 796.88 FEET TO THE NORTHEAST CORNER OF SAID REMAINING PORTION OF LOT 93 I.T.; THENCE SOUTH 00 DEGREES 02 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF LOTS 93 I.T., AND 94 I.T., A DISTANCE OF 1896.50 FEET TO THE SOUTHEAST CORNER OF SAID REMAINING PORTION OF LOT 94 I.T.; THENCE NORTH 89 DEGREES 35 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF LOT 94 I.T. SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 624.27 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 134.46 FEET, DELTA ANGLE OF 12 DEGREES 50 MINUTES 25 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 25 MINUTES 12 SECONDS WEST, AND A CHORD LENGTH OF 134.18 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 800.00 FEET, ARC LENGTH OF 177.56 FEET, DELTA ANGLE OF 12 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 28 MINUTES 55 SECONDS WEST, AND A CHORD LENGTH OF 177.19 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST, A DISTANCE OF 545.29 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 303.00 FEET, ARC LENGTH OF 105.69 FEET, DELTA ANGLE OF 19 DEGREES 59 MINUTES 09 SECONDS, A CHORD BEARING OF NORTH 09 DEGREES 52 MINUTES 09 SECONDS EAST, AND A CHORD LENGTH OF 105.16 FEET TO A POINT OF TANGENCY; THENCE NORTH 19 DEGREES 51 MINUTES 44 SECONDS EAST, A DISTANCE OF 90.57 FEET TO A POINT; THENCE NORTH 65 DEGREES 18 MINUTES 41 SECONDS WEST, A DISTANCE OF 201.91 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 28.79 FEET, DELTA ANGLE OF 04 DEGREES 07 MINUTES

25 SECONDS, A CHORD BEARING OF NORTH 67 DEGREES 22 MINUTES 24 SECONDS WEST, AND A CHORD LENGTH OF 28.78 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 485.00 FEET, ARE LENGTH OF 162.06 FEET, DELTA ANGLE OF 19 DEGREES 08 MINUTES 42 SECONDS, A CHORD BEARING OF NORTH 04 DEGREE 32 MINUTES 07 SECONDS EAST, AND A CHORD LENGTH OF 161.31 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 02 MINUTES 14 SECONDS WEST, A DISTANCE OF 550.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 30.84 ACRES, OR 1,343,602.85 SQUARE FEET MORE OR LESS.

July 10, 2001 (11:12AM)

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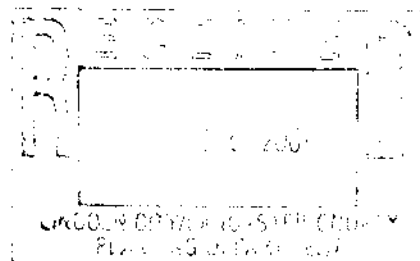


OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

21 September 2001

Ms. Kathleen Sellman
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

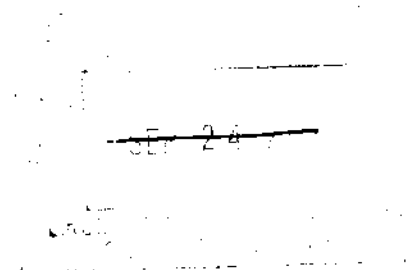
Re: Morning Glory Estates - Amendment to the CUP #1839
and Use Permit #128
OA Project No. 2001-0483



Dear Steve:

Enclosed please find the following documents for the above-mentioned project:

1. 21 copies of the Site Plan.
2. 5 copies of the Drainage and Grading Plan.
3. 5 copies of the Street Profiles.
4. 6 copies of the Landscape Plan.
5. 1 copy of the Special Permit Application.
6. 1 copy of the Use Permit Application.
7. 1 copy of the Change of Zone Application and exhibits.
8. 1 copy of the Ownership Certificate.
9. \$1365 Submittal Fee.



On behalf of the Owners/Developers, Holdrege Investors, LLC, Mr. Don Linscott, 5101 Central Park Dr., Suite 100, Lincoln, NE 68504, Phone (402) 467-1234 and University Park Congregation of Jehovah's Witnesses, Inc., 1900 North 84th St., Lincoln, NE 68505, we are requesting an amendment to the existing Community Unit Plan and Use Permit. The following modifications and revisions have been made and are being requested:

1. Boundary revised to centerline of private roadway North 86th Street, North of Lexington Avenue.
2. Duplex units added to Blocks 4 and 5, resulting in a net increase of 11 lots.

Ms. Kathleen Sellman

Page Two

21 September 2001

If you have any questions or require further information, please call.

Sincerely,

A handwritten signature in cursive script that reads "Kim Jones".

Kim Jones

Enclosures

cc:

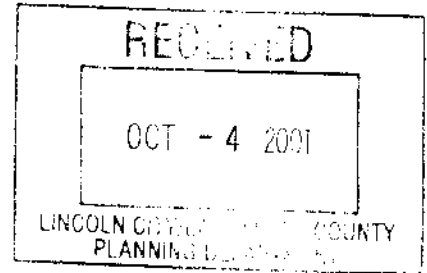
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October 2, 2001

Becky Horner
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992



SUBJECT: Morning Glory Estates

Becky,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

A handwritten signature in cursive script, appearing to read "David L. Wampler".

David L. Wampler
Acting Supv. Customer Service Support



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

10/01/2001 09:41
AM

To: R Horner <RHorner@ci.lincoln.ne.us>
cc:
Subject: Morning Glory Estates

Becky,

The Lincoln Police Department has no objections to the Morning Glory Estates request.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department

M e m o r a n d u m

RECEIVED
OCT 10 2001
CITY

To: Becky Horner, Planning Department

From: Charles W. Baker, Public Works and Utilities *CB*

Subject: Morning Glory Estates Special Permit # 1839A to Use Permit # 143

Date: October 9, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed changes of the boundary location to the centerline of North 86th Street and the addition of the duplex lots in Blocks 4 & 5, Morning Glory Estates, located at North 86th and Holdrege Streets. Public Works has no objection and finds the revisions satisfactory.



INTER-DEPARTMENT COMMUNICATION

DATE October 11, 2001

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #18N-86E

Attached is the Amendment to the C.U.P. and Use Permit for Morning Glory Estates.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, over the outlots. Also, please change the 10 ft. easement along Holdrege St., and the east line in Block 4 to a 15 ft. easement.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

ST/ss
Attachment
c: Terry Wiebke
Easement File

